

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS DIVISION**

**IN RE PRADAXA)
(DABIGATRAN ETEXILATE))
PRODUCTS LIABILITY)
LITIGATION)**

**MDL No. 2385
3:12-md-02385-
DRH-SCW**

This Document Relates to:

ALL CASES

**CASE MANAGEMENT ORDER No. 46
Amending Paragraph 9 of CMO 37**

For good cause shown, paragraph 9 of CMO 37 is hereby amended as follows:

9. Expert designation and deposition dates are modified as follows:

- a. Paragraph E(2)(a) of CMO 28 is modified as follows: On or before April 4, 2014, Plaintiffs shall designate, pursuant to Rule 26, Fed.R.Civ.P., their expert witnesses for the first bellwether trial. The disclosure shall be accompanied by two dates for each expert to be deposed.
- b. Paragraph E(2)(b) of CMO 28 is modified as follows: On or before April 25, 2014, Defendants shall designate their expert witnesses pursuant to Rule 26, Fed.R.Civ.P., for the first bellwether trial. The disclosures shall be accompanied by two dates for each expert to be deposed.

- c. Paragraph E(2)(c) of CMO 28 is modified as follows: On or before May 7, 2014, Plaintiffs shall designate any rebuttal expert disclosures for the first trial, pursuant to Rule 26, Fed.R.Civ.P.
- d. Paragraph E(2)(e) of CMO 28 is modified as follows: Depositions of expert witnesses shall take place between May 9, 2014 and May 30, 2014. It is the intention of the parties that the depositions of Plaintiffs' expert witnesses be taken before Defendants' expert witnesses.
- e. Plaintiffs' Rule 26 expert disclosures for the second trial shall be submitted by June 15, 2014.
- f. Defendants' Rule 26 expert disclosures for the second trial shall be submitted by July 15, 2014.
- g. Rebuttal expert disclosures for the second trial shall be submitted by July 30, 2014.
- h. Depositions of expert witnesses for the second trial shall be completed by September 15, 2014. If a generic expert submits the same or substantially equivalent expert report in subsequent bellwether cases (e.g. after the first bellwether case) that generic expert shall not be permitted to be deposed for the subsequent case(s). Case-specific experts who have already been deposed shall have their depositions limited to a maximum of 3 hours in any additional case that he/she is identified as a case-specific expert witness. Said deposition shall be limited to the case-specific issue(s) of the new case only, and no re-examination of issues/documents examined in the

prior deposition. If that expert witness also is a generic expert and if he/she already has submitted a generic expert report with no later modifications, then the rule above shall apply, namely no further deposition/examination on the issues covered in the generic report. All non-U.S. experts are to be deposed in the U.S. absent agreement of the parties

- i. The expert disclosure and expert deposition schedule for the third and fourth trials will be established on or before May 15, 2014.
- j. Paragraph F(1) of CMO 28 is modified as follows: Plaintiffs and Defendants must file and serve any summary judgment motions and motions for partial summary judgment on or before June 3, 2014.
- k. Paragraph F(3) of CMO 28 is modified as follows: All *Daubert* motions shall be filed by June 3, 2014.
- l. Responses to Summary Judgment Motions and *Daubert* Motions shall be filed thirty (30) days after the motion to which it responds is filed, but no later than July 3, 2014.

SO ORDERED:


David R.
Herndon
2013.10.29
13:01:39 -05'00'

Chief Judge
United States District Judge

Date: October 29, 2013